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The Burial of Unidentified People in Rio de Janeiro: The Disappearance of People in the State Bureaucracy

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by Alexandre Trece, Cláudio Machado, and Raquel Chrispino

INTRODUCTION

Over the past two decades, Brazil has approved legal measures such as free civil registration.¹ It has also implemented public policies² that have expanded the population's access to basic documentation – especially for the most vulnerable.^{3 4} This has increased birth registration coverage in the first year of life from 80 to 95 percent.

Several initiatives played a key role in this achievement:

- A high-level governance mechanism was created at the national level;
- A network of committees in state governments was formed;⁵

- The creation of incentives for registration by articulating civil registration and cash transfer-based programs; and
- Civil society and communication campaigns emphasized the importance of civil registration and personal documentation to a wide audience.

The Rio de Janeiro multi-sectoral committee⁶ was set up in 2011 to implement the basic documentation policy. This policy covers human rights, social assistance, health, education, and public security. It also includes the justice system, represented by the court of justice, public prosecutors, and public defenders, with the participation of civil society.

As activities were developed, issues arose that were little known before. One of these was the high incidence of people who die with no official personal documentation and are buried

1 Government of Brazil. 1997. planalto.gov.br/ccivil_03/leis/l9534.htm

2 Beatriz, G. and Leonardos, L. 2017.

3 Basic documentation is the concept adopted in Brazil to designate the personal documents needed for people to exercise their rights. It is not to be confused with the concept of legal identity, as basic civil documentation also includes personal documents needed for access to health, legal employment, voting, etc.

4 Government of Brazil. 2007. planalto.gov.br/ccivil_03/_ato2007-2010/2007/decreto/d628g.htm

5 Brazil is a federative republic with three levels of government: federal, state, and municipal.

6 Brasileiro, T. 2017.

as unidentified persons.⁷ This situation creates problems for public administration⁸ but mainly for families, whose loved one's body is not treated with dignity. Another issue related to the burial of unidentified persons is the problem of people who have disappeared. It is often difficult to locate them because they were buried without being identified. This leads to waiting or searching with little chance of success.⁹

There are no systematic or updated national statistics on persons buried without identification.¹⁰ To diagnose the problem in Rio de Janeiro, data was collected over five years with the support of state civil registry offices. The result exposed an alarming picture.

This article deals with the issue of deaths of unidentified people in Rio de Janeiro based on the observations of the authors as professionals and members of national and state committees. They are therefore directly responsible for implementing actions aimed at resolving the issue.

This case study looks at the of State of Rio de Janeiro. It is based on a bibliographic review of previous studies, information that is publicly available in official reports, and an analysis of available data. Its purpose is to draw attention to the issue so that it may be included in the public policy agenda for citizen identification and access to basic civil documentation.

Our analysis was limited to deaths occurring in public and private organizations that are included in public health and social assistance policies. It is understood that if we improve the processes for identifying people, these cases are preventable. This article presents the solutions found to mitigate the problem.

The article is divided into four parts:

- **The burial of unidentified people as a public policy issue** – contextualizes the issue of the death of unidentified people as a public policy problem and presents the main elements of civil registration and identity system organization.
- **Deaths of unidentified people** – describes occurrences of unidentified deaths in the health system, social assistance, crime-related, prison inmate deaths, and victims of urban militia groups.
- **What has been done: Sound practices in the State of Rio de Janeiro** – presents measures taken so far to correct this problem, with an emphasis on revising regulations and the identification process at the time of death.
- **Conclusion** – presents recommendations that may help to mitigate the problem in Rio de Janeiro and nationally.

7 The term "indigent" or "destitute" is commonly used to characterize people whose bodies are buried at no charge. The authors, however, prefer to use the term "unidentified," as its meaning avoids reinforcing social prejudices.

8 National Social Security Institute (INSS). 2019. gov.br/inss/pt-br/assuntos/noticias/pente-fino-do-inss-ja-cancelou-261-mil-beneficios-com-economia-anual-de-43-bilhoes

9 Santos, J. 2020. emaisgoias.com.br/biometria-identifica-730-mortos-que-eram-considerados-desaparecidos-em-goias

10 Recommendation No. 19/2015 of the National Council of Justice created the Death Centre for Unidentified People, operated by the National Association of Registrars of Natural Persons. However, these data were not updated on the Civil Registry Transparency Portal, at least between March and December 2020.

THE BURIAL OF UNIDENTIFIED PEOPLE AS A PUBLIC POLICY ISSUE

The burial of unidentified people in Brazil is still a mostly hidden phenomenon. This gap is apparent in public policies, reflecting weaknesses in civil registration and identification systems and highlighting the lack of integration between these two systems.

In Rio de Janeiro, many cases of disappearances of persons are the result of criminal groups hiding the bodies. There is no official number of cases, but it is believed to be significant. As a serious violation of human rights, it has been receiving public attention.¹¹

However, the public administration has also been responsible for the daily disappearance of people due to inefficient identification procedures, and this phenomenon has almost no public attention. Many are buried unidentified – not because they were never identified through a public agency at some point in life, but because of a lack of integration among government institutions.

How the civil registry system is organized in Rio de Janeiro

The Civil Registry of Natural Persons in Brazil¹² is regulated by the *Civil Registry Law*¹³ under the authority of the Justice Branch. Governed by the Federal Constitution of 1988, the Justice Branch delegates the exercise of this public service to autonomous legal professionals, selected by public competition.¹⁴



The National Council of Justice (CNJ), at the national level, and the Court of Justice Internal Affairs Department in the State of Rio de Janeiro, are responsible for setting up administrative procedures and rules and inspecting civil registry services.¹⁵

Birth and death records must be created within 15 days of the event. However, late birth registration can be done at a registry office after this period has elapsed as part of regulatory changes aimed at eradicating birth underregistration in Brazil.¹⁶ The same does not happen with a civil death record: after 15 days, it can be carried out only with judicial authorization.¹⁷

An important characteristic of both registries is that they presuppose that a medical document attesting to the vital event has been submitted.

11 Cerqueira, D. 2012.

12 Legislation and organization of the civil registry system in Rio de Janeiro are shaped by federal legislation. Where there is relevant state specificity for the theme, it will be pointed out in the text.

13 Government of Brazil. 1973. planalto.gov.br/ccivil_03/leis/l6015compilada.htm

14 Government of Brazil. 1988. planalto.gov.br/ccivil_03/constituicao/constituicao.htm

15 Government of Brazil. 1973.

16 CNJ. 2013.

17 Government of Brazil. 1973.

However, in the case of the birth registration, it is possible to register a person without the birth notification document issued by the health system. This is not possible for death registration because death declarations emitted at health facilities are mandatory.

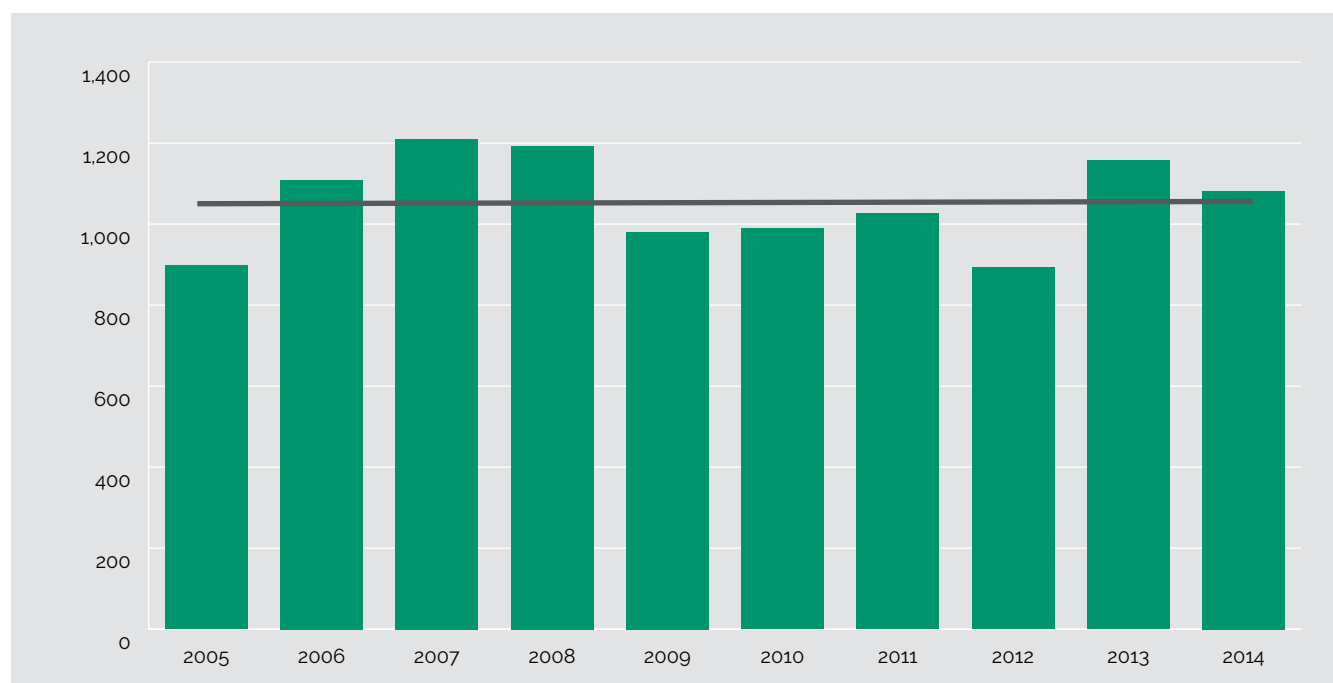
On the close relationship between the medical certificate of death and the civil death registration, one little known detail highlights the ineffectiveness of the *Civil Registry Law*. Article 81 of the *Civil Registry Law* determined the consignment of anthropometric corporal information and general description of the deceased without identification in the death registration, including fingerprints. However, this command has not been universally obeyed by civil registers.¹⁸

In 2015, Rio de Janeiro death data was analyzed for 2011 to 2015. The analysis was based on the Rio de Janeiro Internal Affairs birth and death database, which is fed by registry offices. The results indicated an average of 1,055 unidentified deaths each year.

There was a serious lack of standardization in the way deaths of unidentified people were registered. No fewer than 1,150 different ways of naming an unidentified person were used, which made data analysis extremely difficult.

In the State of Rio de Janeiro, the Court of Justice standardized the use of the term "unidentified person."¹⁹ However, at the national level, the use of various terms persists, making data on unidentified persons inaccurate.

Figure 1: Analysis of Rio de Janeiro death data, 2011–2015.



¹⁸ Government of Brazil. 1973.

¹⁹ tjrjus.br/biblioteca/index.asp?codigo_sophia=210922&integra=1

How the identity system is organized in Rio de Janeiro

Identification services in Brazil have used the biometric method for civil and criminal purposes since 1903; these are linked to public security system agencies. A person has their fingerprints recorded when they request an identity card, which is essential for accessing public and private services.

In Rio de Janeiro, two agencies are responsible for identification:

- **Detran-RJ** looks after civil identification, including managing the state biometric database and the identity card-issuing service.
- The **Félix Pacheco Institute**, linked to the Public Security Secretariat, handles criminal identification.

The Institute of Legal Medicine (IML) is responsible for technical expertise for identity recognition of persons who are not carrying identity documents.

The anthropometric measures referred to in Article 81 of the *Civil Registry Law* help officials identify deceased persons when it is not possible for fingerprint experts to confirm identity: data includes approximate height, sex, skin colour, hair type, ancestry, iris colour, photographs of the face, profile, entire body, front and back, with and without clothes, scars, tattoos, piercings, and other distinctive signs or marks. A list of the clothes and belongings that the person had right before their death must also be recorded and, preferably, photographed.

Identification databases are decentralized: each state has an official identification institute for facial and fingerprint biometrics and a forensic genetics laboratory for DNA biometrics. There are national

biometric databases for driver's licences, military personnel, and voters, but states have no access to these.

In 2012, the National Information System for Public Security, Prisoners, Tracking of Weapons and Ammunition, Genetic and Digital Materials, and Drugs (Sinesp) was created. This public security information platform was integrated into all governments.²⁰

Also in 2012, a federal law was enacted regulating the collection of genetic material for DNA profiling. It was aimed at the criminal identification of people who committed certain types of crimes: wilful crimes against life, sexual violence, etc.²¹

In terms of DNA, the Brazilian government has set up a network of Brazilian genetic profile banks incorporating all the states. However, only criminal cases are accepted, and this database cannot always be used for civilian disappearances. For example, forced disappearances or those that are not registered as police cases are not included.

The lack of integration of biometric databases between states has not yet been resolved. It is estimated that about 3 percent of people killed by violence in the city of Rio de Janeiro are identified. As a result, there is no confirmation of positive identity due to any prior biometric registration in the state.

In comparing every person's two vital events, birth and death, we find that the lack of birth registration – as serious as it may be, as it structurally affects citizenship – can be remedied through late birth registration. On the other hand, death registration, when it is not done or if it does not contain correct or complete information, creates a situation that is far more difficult to remedy in the future.

20 MJSP. 2020. justica.gov.br/sua-seguranca/seguranca-publica/sinesp-1

21 Government of Brazil. 2012b.



DEATHS OF UNIDENTIFIED PEOPLE

The Constitution of the Republic promoted the decentralization of social assistance and health. This expanded the responsibilities of local governments, thanks to an understanding that the municipality is the closest authority to the population and the one that can best meet their needs.²²

Municipalities in Brazil are responsible for issues involving death management. Municipal level management of the Unified Social Assistance System, for example, is responsible for allocating facilities for the care and treatment of vulnerable populations in institutions and on the streets. In the same way, it is up to municipalities to manage a significant part of the Unified Health System (SUS) facilities, in which 72 percent of Brazil's deaths occurred in 2018.²³

Municipalities are also in charge of coordinating cemeteries, the end point of the situation under analysis. However, as noted above, there is no

other formal assignment for civil registration and identity systems.

Deaths of unidentified people in healthcare services

The SUS is organized hierarchically: it is made up of the Ministry of Health, states, and municipalities, as set out in the Federal Constitution.²⁴

SUS users are identified in health services through the National Health Card system. This is a nationally integrated system, but it does not use biometrics.

It is common for health facilities to receive people who have no personal documents to identify them and people who have difficulty identifying themselves: they may be unconscious, have permanent or temporary dementia, have intellectual or mental disabilities, have a drug addiction, and so on.

Health services do not have access to the civil identification system that uses biometrics. Meanwhile, identification services, which are generally a police service, do not have a legally defined role in using technical expertise to identify people within healthcare services.

The Ministry of Health describes serious issues in its institutions: bodies are unidentified or are unclaimed by family members, which leads to bodies accumulating in hospital morgues. There are also cases of living, unconscious people who are left abandoned in hospitals for years.²⁵

This problem existed in Rio de Janeiro: health professionals were instructed to write up a death certificate if the family did not claim the body within 14 days, as the law states. After

²² Soares, M. and Machado, J. 2018.

²³ Ministry of Health. 2020. tabnet.datasus.gov.br/cgi/defthtm.exe?sim/cnv/obt1ouf.def

²⁴ Government of Brazil. 1988.

²⁵ Ministry of Health. 2018. antigo.saude.gov.br/noticias/svs/43998-diagnostico-da-cao-da-morte-e-qualidade-do-atestado-medico-sao-temas-de-oficina-para-multiplicadores

this period, a legal permit for burial is required, making the procedure much more complex and time consuming.

This is what now takes place in Rio de Janeiro, but there is still a lack of integration between health and public security services in identifying the bodies of people who arrive at service centres without documentation and with social assistance for communicating with families.

The Case of Rose

The case of Rose (not her real name) reveals how complex the problem is and its devastating effects on families. Rose left her home after her husband's death, leaving her two children to be raised by her sister Lucia. Rose was considered missing; eventually, the Rio de Janeiro Public Prosecutor's program for missing persons²⁶ informed her family that after 12 years of searching, she had been located, but she had died.

Rose was identified at health services, and the civil police had a record of her disappearance, but no one contacted her family. Usually, when the family does not claim a body, the person is buried as destitute. However, Rose's body was donated to a medical school for use in classes and research. A three-year process unfolded for the family to recover her body and bury her according to her religious beliefs.

Despite this long and painful process, Rose's case had a successful outcome, in that her family was able to locate and bury her. Thus, Rose was taken off the list of missing persons.

The same difficulty in relation to unclaimed bodies occurs in IML centres. In 2017, a crisis erupted in the Rio de Janeiro IML: 180 unclaimed bodies occupied all the available space in mortuary coolers, waiting for court orders to be issued for burial. A team that included several judges was created to clear up the identification and status of each body and authorize burial.

Rio de Janeiro's experience in reviewing procedures for the burial of unidentified persons or those whose bodies are unclaimed is presented in the next section.

Deaths of unidentified people in social assistance facilities

Municipalities maintain social assistance facilities that serve vulnerable people, in keeping with the rules of the *Organic Law on Social Assistance in Brazil* (Law 8.742/1993), which establishes the Unified Social Assistance System. These facilities serve many undocumented people in Brazil: being undocumented is common among the poorest, such as vulnerable elderly people, people with mental and intellectual disabilities, drug addicts, and the homeless.

To support the management of social assistance policies, the Unique Registry for Social Programs (CADÚnico) was created. It aims to identify and characterize individuals in its policies.²⁷

Social workers at these institutions have a lot of trouble documenting people, as many are migrants from other states who have lost their birth certificates in floods or in fires at their new homes. It is also common for people to lose certificates or identity cards due to street violence.

26 MPRJ. 2018. mprj.mp.br/documents/20184/748003/relatorio_plid.pdf

27 Bartholo, L. et al. 2018. ipea.gov.br/portal/index.php?option=com_content&view=article&id=32758

One factor in the increase in the number of vulnerable people not identified in these facilities is the lack of awareness by social assistance professionals about the importance of civil registration, civil identification of persons, and administrative registries. Even when this knowledge exists, it can be difficult to access government records and copies of identity documents. This contributes to residents remaining “nameless.”

Another underlying fact is that social assistance facilities and civil identification services in Brazil are not integrated. This means that social assistance professionals, even when they are aware of the law and the need to confirm the identity of a deceased person, cannot get help when an admitted person or resident dies of natural causes. These bodies are simply taken away for burial, with no intervention from the civil police's specialized technical teams to identify them.

Deaths of unidentified people due to violence

Unidentified deaths resulting from crime are the most complex for public policy. Anyone whose death is caused by violence is protected by the structures the police have in place: a forensic autopsy must be performed to determine the cause of death. The police investigation thus confirms the consequences of the violent act – the person's death.

In Rio de Janeiro, as well as in other states, this work is done by coroners or police force employees. All bodies are taken to the IML, where they are examined.

In this forensic unit, although the name of the murdered person may already be known due to a statement from family members or informants, or from a police investigation, specific forensic work

is done with the deceased person to verify or confirm their identity. The goal of this examination is to determine who died. The most used method is a search and comparison fingerprint analysis using civil or criminal identification databases.

This expert report – as well as serving as technical evidence for the investigation and, later, for the criminal judicial process – authorizes that the victim's correct and verified name be registered on a death certificate and in the death registration. The death registration publicizes the death and allows for hereditary rights, inheritance, annulment from punishment, extinction of criminal proceedings, cessation of social security payments, and other effects. Then a paradox takes place: the murder victim appears in the Rio de Janeiro database as a deceased person, but remains “alive” in the state database that issued their identity document. It could also be a person whose family was searching for them: a missing person in São Paulo who appeared in Rio de Janeiro, now deceased, who disappeared due to a lack of policies for integrating biometric databases within Brazil.

Unidentified deaths in prisons

For decades, Rio de Janeiro has seen cases of people who are wrongfully imprisoned due to difficulties in identifying compliance with arrest warrants. The institutions involved had not studied this issue until it came to the attention of the Committee for the Eradication of Under-Registration and Access to Basic Documentation and the Monitoring and Prison Inspection Group of the Rio de Janeiro State Court of Justice.

In 2014, data revealed that around 12,000 people – close to 30 percent of those arrested at the time – were imprisoned in the State of Rio de Janeiro without being properly identified.²⁸

28 Data extracted from SIPEN: Rio de Janeiro Penitentiary Identification System.

At least one third of this number did not have their biometric data properly filed in the security system: they had not gone through a criminal identification procedure. When someone was arrested, they could give another person's name; that name would be recorded as the person responsible for a crime until the time of possible criminal conviction through sentencing.

The committee pointed out the source of the problem: there was no expertise to confirm identity at the time of arrest, at the police station, or in prison. Was the right person being arrested? Was the one sentenced by the judge actually serving the sentence?

Proper diagnosis of this issue was closely related to prisoner identification. There were repercussions on people's lives, including death itself. This is a serious problem in the State of Rio de Janeiro prison system and is the subject of a complaint in the Inter-American Human Rights System. In some cases, the families of prisoners have never heard of their relative's incarceration or of their death.

Unidentified death caused by militia groups

The most serious scenario regarding the death of unidentified people is related to the involvement of militia groups in the forced disappearance of people. The growth of militia groups in Rio de Janeiro led to the creation of a Parliamentary Commission of Inquiry (CPI) in the Legislative Assembly.²⁹

Researchers define militia groups as armed groups composed of public security agents, ex-agents, and people drawn in from disadvantaged communities, including ex-traffickers. These



groups use force and terror to dominate a given region and illegally exploit the activities of alternative transport, gas, and cable TV.³⁰ These criminal organizations set up a network of corruption and influence along with police forces and the judiciary; they also build relations with governments. At the same time, they oppress the residents of the dominated region.

One of the policies these groups use to maintain power is the elimination, by killing, of people who challenge their illegitimate powers or refuse to pay a fee, a crime tax, so they can continue to carry out their commercial activities in the dominated region.

Deaths caused by militia groups can be considered enforced disappearance, as they have the same characteristics as deaths caused by dictatorships: people are forcibly removed from their home or workplace and murdered, and their bodies disappear.

29 CPI on Militia Groups. 2008. marcelofreixo.com.br/cpi-das-milicias

30 Araújo, F. 2014.

The Case of Walter³¹

Walter lived with his mother and four brothers in a community on the north side of Rio de Janeiro. During his adolescence, he became involved in the local drug trade. He had since left the world of crime and was working in a government social project. He had a 3-year-old son.

When a militia group moved in to take control of his neighbourhood, some friends suggested that he move somewhere else. However, along with his mother, Maria, he introduced himself to the militia chiefs to explain that his involvement in crime was behind him and he had been allowed to remain in the neighbourhood.

After a time, a conflict between groups of traffickers and the militia group drove the latter away. Control of the neighbourhood was left to the group of rival traffickers to which Walter had belonged. Amid circumstances that were not well explained, he disappeared.

His mother made every possible effort to locate him, but the news on the street was that he had been killed. She then proceeded to locate her son's body so she could bury him and apply for social benefits to help her raise the son Walter had left behind.

Walter had been beheaded; Maria managed to recover only her son's head. His body was never found, but after a long administrative process with public security agencies, a DNA test was done to prove his identity. However, even with the positive result that proved kinship, Maria was not able to register her son's death with the civil registry.

Walter's case is an example of enforced disappearance in which it was not possible to verify identity to prove a person's civil identification and death.

WHAT HAS BEEN DONE: SOUND PRACTICES IN THE STATE OF RIO DE JANEIRO

The issue of deaths of unidentified people and the civilian disappearance of people is a recent theme for public policy. In Rio de Janeiro, some steps have been taken to resolve the problem. Some of the practices adopted are presented and discussed in this section.

Creation of the Task Force on Deceased and Missing Persons

In 2014, the state committee, Rio de Janeiro Task Force on Deceased and Missing Persons, was created to understand and find solutions to the problem of burials of unidentified people.

Since the task force was created, it has held regular monthly meetings. Representatives from various government sectors and civil society participate along with invited experts. The objective is to map the death flow, diagnose difficulties in the process, propose pragmatic solutions, and support managers in shaping public policy.

31 Case report taken from Araújo, F. 2014.

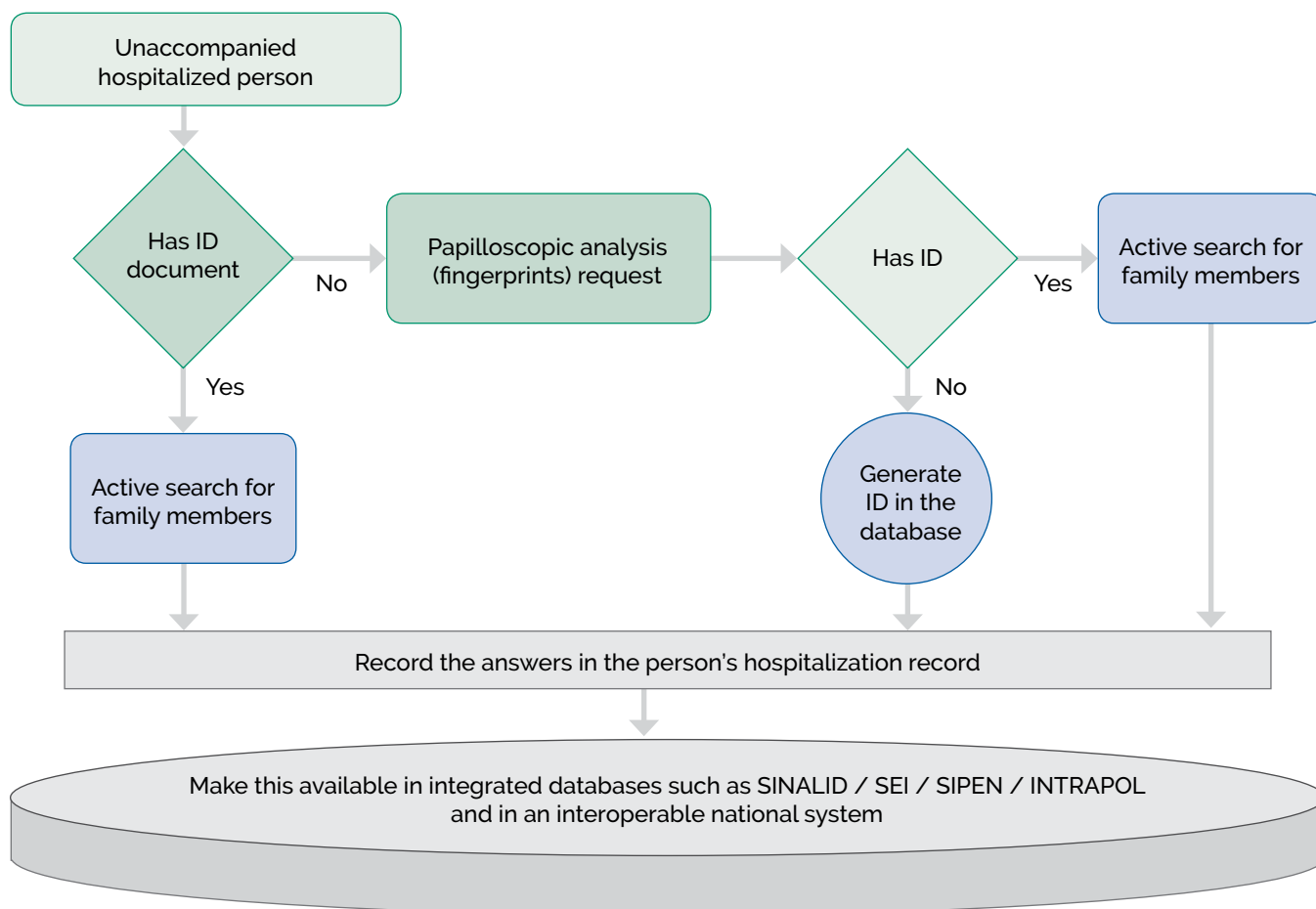
A long process of collective learning and sharing of activities developed within these organizations. At first, each group member shared their experience on the topic with others, describing their protocols and the difficulties they faced. In this way, they arrived at a diagnosis that identified point by point the errors leading up to the non-identification of deceased people and the repercussions of failing to solve missing persons cases. This section presents the task force results to date.

New protocol for persons at healthcare units without identification

An experimental protocol was needed for integration between the healthcare facilities and the civil identification service.

New protocol

- Healthcare units must ascertain identity as early as possible when a hospitalized person is unable to communicate, has no official identity document, or the document presented does not confirm their identity.
- When in doubt about the patient's identity, the hospital must call the Public Identification Service Fingerprint team to photograph, collect fingerprints, and carry out identity verification in the civil and criminal, analogue, and electronic biometric systems (ABIS).
- If fingerprints exist in the database, an identity number is attached. This key reveals biographical data of the patient based on civil records (such as birth): name, age, sex, photos, parents' names, addresses, phone numbers, and other registration data, including those of a criminal nature.
- The civil identification service has access to the patient's relationship network and various justice and public security system databases. It conducts an active search so it can contact family members to inform them of what has happened to their relative, verify if there is a missing persons record for them, and find out if the person is a fugitive or is wanted by the justice system.
- Investigation results are sent to the healthcare unit within 24 hours, including whether a family member has been located and if contact has been made.
- When fingerprint research is inconclusive and a patient's identity cannot be verified, the collected biometrics (facial and fingerprints) are entered into the ABIS database. A numeric hash and flag (alert) is added to show that the person has not been registered in these databases before and the declared data have no support from prior civil registration. These biometric data remain in the database so they can eventually be listed as candidates for further research.

Figure 2: Diagram of the new identification flow in hospital deaths.

The same protocol was adopted for people who die in a healthcare unit. The difference is that the team of experts that goes to the site has exclusive expertise in fingerprinting cadavers.

In 2018, a joint resolution signed by civil and criminal identification services and the Health Secretariat agreed to issue a standard procedure and define the competencies of each organization for living people or for those who die in hospitals, shelters, long-term care units, as well as homeless persons. This approach institutionalized the new procedure.

This protocol of triggering an investigation in the health system to confirm identity resulted in the following outcomes:

- From April 2018 (when the new procedure was implemented) to April 2019 (the date of the report that the civil identification services prepared and submitted to the Task Force on Deceased and Missing Persons), 421 identifications were made: 286 of these were living patients and 135 were deceased persons.
- Of the living, 12 had open missing persons files and 6 had outstanding arrest warrants. Of the deceased, 4 were missing persons and 1 had an arrest warrant.

The Case of Marcos

Marcos (a fictitious name), age 21, had a cognitive behavioural deficiency. He left his home in Duque de Caxias, a city in the metropolitan region of Rio de Janeiro, and did not return for two days. His father did not immediately report his son's disappearance, as he "had often done that and always returned; he never went very far." This time was different: Marcos remained in an unknown location for three days.

Meanwhile, in Penha, a neighbourhood in the city of Rio de Janeiro, a young man who was disoriented was admitted to hospital after the police picked him up at a bus stop. He was not carrying any identity documents. The protocol was triggered: his fingerprints were taken on the same day as he was hospitalized. After Marcos' identity was confirmed, the family was contacted by phone and informed that Marcos had been admitted to hospital.

Marcos' father went to the hospital. There he was told that no one with Marcos' name was there and that "there was no such thing as identifying people." Upset and frustrated, the father called the civil identification services. The professional who answered him not only confirmed the fact but contacted the hospital administration to ensure that the protocol was fully complied with: that is, that the patient's medical record would be updated with his real name as noted in the expert report the hospital had received. The hospital director was told that Marcos' father was returning and that he should be taken to see his son, which eventually happened.

A public policy, once it is implemented, needs to be monitored until the various stakeholders have integrated it in their processes. If Marcos' father had not complained to the person who gave him the information, the meeting between father and son would likely never have taken place. The investigator would have imagined that he had fulfilled his role, and the father would still be searching for his son. If Marcos had died, he would probably have been buried as an unidentified person. The family would not have been able to mourn and could have spent years looking for him, and another person would have had his death non-identified due to the lack of integration between public agencies.

A standard for nameless persons

Given the significant number of death records per year for unidentified people, the State of Rio de Janeiro Court of Justice – motivated by the Task Force on Deceased and Missing Persons – created a naming standard for "nameless" people: those whose death record was made without identification.³² This standard states that, when a civilly unidentified person dies in a hospital or

other public institution, or is found accidentally or violently killed, the officer must immediately record the civil name of the deceased as "unidentified person," even if the death certificate uses a different expression. This standardization makes it possible to monitor the statistical data of unidentified people in the state and avoids the shame of using stigmatizing or undignified names, which used to be common in civil death records.

32 TJRJ. 2018. tjrj.jus.br/biblioteca/index.html

Identification of people in the prison system

We applied the same strategy to another area in which data on the registration of persons is sparse or non-existent: the prison system. The solution was to verify the prisoner's identity as soon as they enter the police detachment. This used to be the last thing done, if it was done at all.

The Rio de Janeiro police computer system was modified to transmit gathered fingerprints electronically on live scanners so the Identification Institute could do the investigation. Test results are returned via the intranet. The prisoner's identity is listed on their criminal record before the case is forwarded to the court.

After six months of doing fingerprinting when people arrived at police stations, the rate of unidentified prisoners dropped to less than 2 percent. For prisoners inside the prison without a confirmed identity, a team was set up to collect fingerprints and forensics.

This model would result in benefits if applied to other states of Brazil: it guarantees basic human rights, such as the individuality of sentences (i.e., the right person being sentenced once their identity is confirmed), prison health, clearing registered visitors, linking of disciplinary reports, guaranteeing the changing of prison regime, and prisoner safety (this is especially important in Brazil, where there is evidence of powerful internal criminal factions in some prisons).

Missing Persons Location and Identification Program

In 2010, the Public Prosecutor's Office of Rio de Janeiro created the Missing Persons Location and Identification Program (PLID). The objective was to gather data from the various agencies involved in locating missing persons. These agencies contributed by sharing databases and expertise in link analysis to locate family members of patients who had been reported missing outside the police system.

PLID consolidates information on missing persons, institutionalized persons, and discovered bodies. According to a program analysis carried out in 2018, 10,128 cases were recorded: 78 percent were missing persons, 21 percent were discovered cadavers, and 1 percent were institutionalized people.³³

The Federal Public Prosecutor's Office, inspired by the successful Rio de Janeiro program experience, which was also done in other states, created a national integration system.³⁴ It promoted setting up this program where it did not exist. Because it is a cooperative system, it is collaborative and supportive. It features efficient link analysis logic for missing persons cases, including bodies with no confirmation of identity, whether through violent death or otherwise. This system has a wider scope; it is not limited to police cases.

The Rio de Janeiro Public Prosecutor's Office began a civil investigation: the aim was to create a system to notify family members of unclaimed identified deceased persons in public institutions and other public agencies in the city of Rio de Janeiro.

³³ MPRJ, 2018.

³⁴ cnmp.mp.br/portal/institucional/comissoes/comissao-de-defesa-dos-direitos-fundamentais/sinalid/informacoes-sobre-o-sistema

CONCLUSION

Federal Law 13.812/2019 was enacted in 2019. This law instituted the National Policy to Search for Missing Persons. It provides definitions, indicates that a national database with branches in the states has been formed, establishes the sharing and integration of systems as management tools, and importantly, gives priority and urgency to searching for and locating missing persons.

It is understood that any policy for locating missing persons needs to be articulated with citizen identification policies, including deaths, and with expanded access to basic documentation. The secure identification of people is essential for locating missing persons.

Based on the experience of the Rio de Janeiro multisectoral committee, some recommendations can be made. These can contribute to effectively implementing the mechanisms provided for in the above law at the national level and by other states that face similar challenges related to the death of unidentified persons.

- 1. Create a national identity database covering the entire population that is linked with state identity databases.** The lack of a national database and the lack of access by states to existing federal databases compromises all efforts to improve the identification process to avoid cases of burial of unidentified people.
- 2. Implement the National Council of Justice's national standardization of death registration of unidentified persons,** including express direction that civil registry databases be audited. This would mean better quality data and guarantee access to data by public organizations.



- 3. Implement live birth and death certificates in electronic format,** making it possible to shorten the time between preparing a declaration and entering this data into the civil registry system so administrative agencies that work with locating missing persons can consult it. The electronic death certificate will also make it possible to better characterize persons: it will allow the collected information to be expanded, especially on the identification of deceased persons.
- 4. Develop a strategy for training and continuous awareness raising by state committees on the topic of deaths of unidentified people.** State committees are made up of public agents (health, public security, justice, and social assistance) who can act in a unified way to minimize the issue.

Some families suffer for many years during the sometimes impossible search for their loved ones who may have been buried as unidentified persons. In this article, we summarize the accumulated learning in taking action to minimize the suffering of families who have missing loved ones. We also note that this action can reduce social policy and security fraud.

The authors wish to thank all participants in the Rio de Janeiro Task Force on Deceased and Missing Persons, especially all the families who shared their experiences. Families are the main actors in raising public awareness on the importance of a national missing persons search policy.

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